

**BOROUGH OF SOUTH PLAINFIELD  
PLANNING BOARD MINUTES  
November 29, 2016**

**Roll Call:**

**Present:**

Mayor Matthew Anesh  
  
Councilman Derryck White  
Stephanie Bartfalvi; Alt. 2  
Brian Bythell; Alt. 1  
Paul Grzenda,  
Rich Houghton  
John Mocharski  
Michael Pellegrino  
Jack Pedersen, Vice Chairman  
Bob Ackerman; Chairman

**Absent:**

Peter Smith

**Also Present:** Alex Fisher, Esq.; Bob Bucco, PE, CME, CPWM; Stan Slachetka, PP, AICP

**Chairman Ackerman** opened the meeting at 7:00 pm saying that this meeting is being held in accordance with the Open Public Meetings Act, by posting a notice to The Observer and The Courier News and providing the same to the Borough Clerk.

It is the policy of the Borough of South Plainfield's Planning Board not to hear any new cases after 10:00 pm and no new witnesses after 10:30 pm.

**Minutes:** September 13, 2016 meeting.

Mr. Mocharski made motion, seconded by Councilman White to accept the above stated Meeting Minutes. Those in Favor: Councilman White; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

**Resolutions:** (1)

- A. Case #772 - Allen 230 Associates, LLC (Allen Flavors, Inc.)**  
Block 445; Lot 10.03; M-3 Zone  
230 St. Nicholas Avenue

Councilman White made motion, seconded by Mr. Mocharski to accept the above Resolution. Those in favor: Councilman White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

**Current Files:** None

**Informal Hearings:** None

**Public Hearings:**

- A. Case #16-01 - Hawkeye Development Co., Inc.**  
Block 212; Lot 3 & 6; R-7.5 Zone  
2720 Park Avenue & 120 West Fairview Avenue

The applicant is requesting Preliminary Major and Final Major Subdivision approval.

Mr. Fisher states that he has reviewed the Affidavit and Notice of Publication. Board has jurisdiction.

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James F. Clarkin, III, Esq – Clarkin & Vignuolo, PC – attorney for the applicant addresses the Board. This is an eight (8) lot subdivision. Previously, was nine (9) lots with one (1) of the lots as a retention basin. The retention basin has been removed leaving eight (8) lots. There are no variances required. There are no submission waivers. An Environmental Impact statement has been submitted. Several design waivers are being requested which the applicant's engineer will work with Mr. Bucco, Board Engineer. In receipt of four (4) staff reports. Applicant's engineer will address the Board Planner and Engineering reports. Traffic report from the Police Department had no comment or concerns. The Environmental Commission report items that had concern have been addressed and other items no longer applicable. One (1) witness to present... the Engineer Mr. Frank Baer. A representative for the applicant is present.

Mr. Clarkin calls upon his first witness... Mr. Frank J. Baer, Jr., PE, PP – WSB Engineering Group, PA, 1018 Schencks Mill Line Road, Toms River, New Jersey – is sworn in and accepted as a Professional Engineering.

Mr. Clarkin questions Mr. Baer:

- Plans were prepared under his supervision.
- Environmental Statement and drainage report were prepared under his supervision.
- Drainage calculations were revised due to the removal of the detention basin.
- Location of property - north-west corner of Park Avenue and West Fairview Avenue.
- 2.071 acres.
- Three hundred seventy-five (375) feet frontage on West Fairview Avenue.
- Two hundred thirty (230) feet frontage on Park Avenue.
- Two (2) structures currently on the property: one-story metal building and two a half (2.5) story residential structure -- all to be demolished.

Mr. Baer introduces Exhibit A-1 – colored rendition of page 4 of 10 of the plans submitted with application and before the board. Using Exhibit A-1:

- Zone – R-7.5.
- Proposing eight (8) single family residential lots.
- Each meeting or exceeding minimum requirements for the zone.
- Two (2) lots will front Park Avenue.
- Lot on corner of Park Avenue and West Fairview Avenue will front West Fairview Avenue.
- Five (5) lots will front on the proposed cul-de-sac (Sara Court).
- Connecting sidewalks.
- Existing sidewalks will be replaced with five (5) foot sidewalks.
- Curbs.
- Drainage
  - Roof re-charge system per lot.
  - Roof leaders will connect to a subsurface re-charge system which will be owned, operated and maintained by the property owner.
- Properties will have lawn.
- One (1) property inlet.
- ADF piping. (plastic pipe – standard piping).
- All inlets will connect to existing system on West Fairview Avenue.
- Will meet with Mr. Bucco to resolve any issue with post development stormwater flow.
- No ground water re-charge required.
- Currently, working with DEP to take appropriate measures so the water quality is met through the system before it is discharged off site.

Chairman Ackerman ask if the 'drywells' (re-charge system) drains onto Sara Court. Per Mr. Bucco.... No. They remain in the drywell and percolate into the ground. Chairman Ackerman continues... therefore the only water that is flowing into Sara Court is from driveways and anything not captured by the roof. Per Mr. Baer... Correct. Sara Court has inlets running down to West Fairview... Correct.

Mr. Clarkin reviews Mr. Slachetka's Planners report dated November 22, 2016. Starting with page 3.

- Item D - #1 -- Mr. Baer states that the cud-de-sac touches Lot 16 at the right-a-way of Sara Court.

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- Mr. Clarkin suggests that Lots F and G have a deed restriction that they cannot ever sell the land to the owner to Lot 16. Also, to have indication in the resolution that Sara Court cannot be an access point to Lot 16.

Chairman Ackerman asks for a clarification on Lot G. What was the retention basin now has become part of Lot G? Per Mr. Baer... yes. It is a very large lot. Chairman Ackerman states that he would not want Lot G to be subdivide further and create a flag post lot. Mr. Clarkin states that they would accept a volunteer condition that Lot G cannot be subdivided any further. Mr. Baer continues that Lot G will not lend itself to do so without serious variances. It is agreed that Lot G will have a deed restriction.

Mr. Slachetka asks if there is any practical way to move the right-a-way line a foot off Lot 16. Mr. Baer states that it would not lend itself to eliminate the other lots to be incorporated into a subdivision. With the deed restriction, it won't happen. Mr. Slachetka continues... The combination of the two (2) would restrict Lot 16 from having a second frontage and the ability of the owners of Lot F & G to sale their property to Lot 16 to create frontage. The one (1) foot would create no frontage and the deed restriction would not allow Lot F & G to sale to Lot 16. Mr. Fisher asks is it possible to put a fence or a barricade? Chairman Ackerman states that there was a similar situation and the Board requested which the builder built a barricade so the owner in this case Lot 16 is unable to traverse through Sara Court. Basically, build a garage on Lot 16 and accessed by Sara Court. Mr. Clarkin questions Mr. Baer if it is possible to create the one (1) foot right-of-way. Mr. Baer states it is possible. Mr. Slachetka states he believes that creating the one (1) foot right-of-way that would eliminate frontage to Lot 16 and the deed restrictions, would be sufficient. Permits for a driveway cannot be granted... no frontage. The applicant agrees to pull the right-a-way back one (1) foot along with the deed restrictions. Chairman Ackerman questions what would stop a vehicle from entering the area. No permit can be granted for a driveway but that doesn't stop someone from driving through. Mr. Clarkin states they can put landscaping in the area with trees. Chairman Ackerman is acceptable to the suggest. Mr. Baer states that there will be trees planted to screen the headlights from Sara Court along that area.

Councilman White confirms: there will be a one (1) foot distance between the Lot 16 and Sara Court; deed restriction; buffer of trees and landscaping. The Board and applicant agree.

Mr. Fisher states that restricts an easement for sale.

Mr. Clarkin continues to review Mr. Slachetka's Planners report dated November 22, 2016.

- Item D – 2, 3, 4 -- will comply.
- Item D – 5 -- addressed.
- Item D – 6 -- not applicable. Detention basin removed.
- Item D – 7 a & 7d -- will comply.

Mr. Clarkin reviews Mr. Bucco's Engineering report dated November 28, 2016. Starting on page 3 – Item F.

- Item F – 2, 3 -- Mr. Baer is requesting a waiver. Mr. Bucco does not partially object. There are areas less than 2% but there are areas by Sara Court that can accommodate 2%. Mr. Baer and Mr. Bucco will visit the site together and review the slopes.
- Item F – 7, 9 -- will comply.
- Item F - 10 -- Mr. Baer states he was unaware that there may be basements. He will have to do soil testing to identify high water areas. The Board states that on the architectural drawings basements are present. Mr. Clarkin states that there will have to be a correction made for the drainage report. Chairman Ackerman asks if the homes that get basements will be provided with sump pumps or other systems. Mr. Baer states, if necessary, yes. Councilman White questions what is considered 'if necessary'? Mr. Baer states that if there is seasonal high ground water a drain will suffice. If there is high contact of seasonal water, a sump pump system will be provided. Chairman Ackerman comments with his experience with South Plainfield, if you are having a basement – put it in.
- Item G – 2 -- prior waiver request.
- Item G – 6 -- Mr. Baer agrees to work with Mr. Bucco.
- Item G – 8, 9 – will comply.
- Item G – 13 -- supplied a specification sheet to Mr. Bucco. Mr. Bucco will review. The applicant agrees to work with Mr. Bucco if changes are recommended.

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- Item G – 15 -- Design waiver. Proposing to provide a gutter. Mr. Bucco is satisfied. However, it is in the ordinance and if we deviate from that then it will require a variance. Mr. Bucco agrees that it continues with the flow in the area. It is agreed upon a design waiver to Mr. Bucco's satisfaction.
- Item G – 16 – will comply.
- Item G – 20 -- Mr. Baer and Mr. Bucco agree to meet and work-out the discrepancies.
- Item G – 22 -- will comply.
- Item G – 30 – requests to defer to plot plan for each lot. Mr. Bucco agrees. Chairman Ackerman asks Mr. Bucco, the run-off from the roof gets piped to the drywells? Yes... No yard grate. Will have a clean out. Mr. Grzenda asks who takes care of the drywells? Mr. Bucco states the individual property owner. Mr. Fisher states that in the past he has had the maintenance of the drywell written in the deed... free and clear of brush and debris.
- Item G – 36, 37, 38 -- will comply.
- Item G – 39, 40 -- Mr. Baer and Mr. Bucco agree to meet and address.
- Item G – 41 -- No perforated pipe in the right-a-way.
- Item G – 42 -- will comply.
- Item H -- a permitted use. No comment or concerns from Traffic Safety. Traffic reduced by fifty percent (50%) from the previous use.
- Item I -- 1,2,3,4 – will comply.
- Item J 1-9 -- will comply. Mr. Grzenda asks if all utilities will be underground. Yes... including Park Avenue.
- Item J -- 10 – 12 – will work with Mr. Bucco.

Mr. Fisher states that it was stated that there are existing buildings on the property. The Fire Department normally requests to use the buildings for fire training prior to demolish. Mr. Clarkin agrees to allow the Fire Department to do so.

Mr. Grzenda requests where the name Sara Court is derived from. Chairman Ackerman states that the applicant cannot name the street. The street will be named off any outstanding name from the Street Name List. If no name is available, Mr. Clarkin will be contacted and the applicant can select a name.

Mr. Fisher re-iterates – this is a permitted use. There are no variances required.

With no further questions from the Board, Chairman Ackerman opens the floor up to the audience for questions.

Gary Bento – 129 Avon Avenue – is sworn in. His concern are the rodents that will scurry once construction begins. Mr. Clarkin states that the applicant is responsible for rodent control. The applicant will obtain an exterminator. Councilman White asks Mr. Clarkin if they agree to make this a condition. He agrees. Chairman Ackerman states that if the resident sees any rodents, to report it to the board. Mr. Bento also requests no bamboo. Applicant agrees.

Teresa Carusone - 121 Avon Avenue – is sworn in. She would like an explanation about the right-a-way area of the cul-de-sac for Lot 16. Mr. Baer address the resident. He explains that where the cul-de-sac touches Lot 16 will be moved one (1) foot away from the property line of Lot 16. Therefore, the properties of Lot F & G will meet in the middle and become private property. By doing so, Lot 16 cannot gain access from the cul-de-sac. In addition, there will be landscaping to provide screening from headlights. The resident continues, if sometime in the future if they decide to subdivide Lot 16 can a driveway be placed in the area. Per Mr. Clarkin, Chairman Ackerman... No. That is a deed restriction. You will not be able to subdivide and put another home. Will the drainage on West Fairview Avenue able to support the flow? Per Mr. Baer, yes.

With no further questions from the Board and the audience, Mr. Fisher re-iterates what has been agreed upon.

- Preliminary and Final Site Plan approval.
- No variances.
- Design Waivers
  - Partial waiver from - 2% minimum yard swale and slope away from buildings - which will be to the satisfactory of the Board Engineer. Those that can meet the 2% will, those that cannot will be waived.

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- Grade will be to the satisfactory of the Board Engineer.
- Gutter flow across intersection not permitted. Will be accomplished to the satisfactory of the Board Engineer.
- Test Pits – partial waiver to be deferred to the grading plan of each individual lot. It will be required at that time.
- Deed Restriction – Owners of Lots F and G cannot sale land to Lot 16 nor provide easement or right-a-way to access the public right-a-way which will be named accordingly.
- There will be no further subdivision of Lot F or G.
- The cul-de-sac will be pulled back to provide at least one foot distance from Lot 16 so there would be no frontage on that lot.
- There will be buffering to the satisfaction of the Board Engineer between the cul-de-sac and Lot 16.
- There will be a note on the deeds that the owners are required to maintain their drainages clear of brush and debris.
- Existing buildings will be coordinated with the Fire Department to be used for training prior to demolishing. This will be required as part of the demolishing permit.
- Applicant agrees to have an exterminator to provide service to the extent necessary if there are rodent issues as part of demolishing.
- Compliance with all comments in Board Engineer and Board Planners reports.

With no further questions or comments, Chairman Ackerman calls to vote to approve preliminary and final site plan. Mr. Mocharski made motion, seconded by Vice Chairman Pederson. Those in favor: Mayor Anesh; Councilman White; Miss Bartfalvi; Mr. Bythell; Mr. Grzenda; Mr. Houghton; Mr. Mocharski; Mr. Pellegrino; Vice Chairman Pederson and Chairman Ackerman. Those Oppose: None.

**Old Business:**

Mr. Mocharski questions when the trailer will be removed from Twin City. Chairman Ackerman advises that they are in the process of purchasing the building next door and expanding. They have come to the Borough and requested an extension until the expansion is complete.

**Committee Reports:**

- A. **Street Naming Committee** - Chairman Ackerman report progress.
- B. **Environmental Committee** - Mr. Houghton and Mr. Bythell report progress.
- C. **Council Reports** - Councilman White states that hopefully he will have some good news at the next meeting. Shoprite opened. Profit in a weeks' time was \$1.4 million. They will be adding additional handicap spaces.
- D. **Mayoral Updates** – Mayor Anesh report progress.

**Minor Site Plan:** None

**New Business:** None

**Correspondence:** None

**Audience Comments:** None

**Executive Session:** None

**Adjournment:** 8:05 pm.

Respectfully Submitted  
Joanne Broderick  
Planning Board Secretary